

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF NEW YORK

In re:

Kris Daniel Roglieri

Chapter 11, Subchapter V
Case No.: 24-10157

Debtor.

**UNITED STATES TRUSTEE'S LIMITED OBJECTION TO DEBTOR'S APPLICATION
FOR ORDER AUTHORIZING RETENTION OF PACHMAN STEIN WALDER
HAYDEN, P.C. AS COUNSEL FOR THE DEBTOR**

TO: THE HONORABLE ROBERT E. LITTLEFIELD, JR.,
UNITED STATES BANKRUPTCY JUDGE:

William K. Harrington, United States Trustee for Region 2, in furtherance of his duties and responsibilities set forth in 28 U.S.C. 586(a), for his limited objection to Debtor's retention application, does hereby state as follows.

Kris Daniel Roglieri ("Debtor") is the sole member of Prime Capital Ventures, LLC and several other entities. The Debtor seeks an order approving his retention of Pashman Stein Walder Hayden, P.C. The Debtor, either individually or on behalf of his single member LLCs, has been embroiled in litigation with clients/creditors since at least mid-2023. On December 19, 2023, certain creditors of Prime Capital Ventures, LLC filed an involuntary chapter 7 (Case No.: 23-11302). On December 22, 2023, this Court entered an order in the involuntary chapter 7 case that authorized the United States Trustee to appoint an interim chapter 7 trustee and directed the turnover of all assets to the interim trustee. (PCV ECF 13)¹. See excerpt below.

¹ References to the docket in Prime Capital Ventures, LLC Case No.: 23-11302 hereinafter referred to as "PCV ECF."

ORDERED, that any person in possession of the Debtor's property and records (including, without limitation, Prime Commercial Lending, LLC, Kris Roglieri, and Kimberly "Kimmy" Humphrey) shall immediately turnover such property and records to the Interim Trustee, as directed by the Interim Trustee.

As explained below, it appears that Pashman Stein Walder Hayden, P.C. received a retainer from *Prime Commercial Lending, LLC* (not the Debtor) and that such funds can be directly traced back to Prime Capital Ventures, LLC during the pendency of the involuntary case. By this limited objection, the United States Trustee reserves all rights with respect to the \$5 million transfer and the \$100,000 received by Pashman Stein Walder Hayden, P.C., including but not limited to disgorgement.

December 22, 2023 Transfer of \$5 Million

On December 22, 2023, a \$5 million deposit was made *into* the bank account of Prime Capital Ventures, LLC. A copy of the December 2023 bank statement for Prime Capital Ventures, LLC is attached hereto and made a part hereof as Exhibit A. The \$5 million was immediately transferred *out* of the account and into the account of Prime Commercial Lending, LLC.

From there, the funds were transferred to various other corporate accounts owned and controlled by Mr. Roglieri and into his own personal bank account.²

- There were seven wire or “internet transfers” out of the Prime Commercial Lending, LLC account totaling over \$3,000,000 on December 22, 2023.
- On December 26, 2023, there were four additional wire transfers, including \$101,000 to XO Global, \$84,000 to Wrist Aficionado, and \$50,000 to Cullen Dykman.
- In total, there were nearly \$4 million in debits/withdrawals from the Prime Commercial Lending, LLC account during the month of December 2023.

District Court Action and Receivership

On January 12, 2024, Compass-Charlotte 1031, LLC filed a verified complaint and emergency motion for the appointment of a receiver in U.S. District Court against Prime Capital Ventures, LLC (and the Berone entities). On the same day, Hon. Mae D’Agostino, U.S. District Court Judge, N.D.N.Y., entered an emergency order appointing a temporary receiver. A copy of the January 12, 2024 order is attached hereto and made a part hereof as Exhibit C.³

Judge D’Agostino’s order included a directive that Mr. Roglieri, Prime Commercial Lending, LLC and others “immediately turn over Defendants’ business and all assets to the Receiver.” Notwithstanding this directive, Mr. Roglieri continued to drain the Prime Commercial Lending, LLC account.

² Mr. Roglieri testified at his 341 meeting on March 14, 2024 that he is the only signatory on the bank accounts of Prime Capital Ventures, LLC, Prime Commercial Lending, LLC, and his own personal bank account. According to his testimony, no other persons have online access to these accounts or debit cards associated with these accounts.

³ Exhibit B has been intentionally removed. There is no Exhibit B.

Between January 12, 2024 through January 29, 2024, there were seven transfers out of the Prime Commercial Lending, LLC account to various accounts, including Mr. Roglieri's personal bank account and the account of Commercial Credit Training Group, LLC, another single member LLC under Mr. Roglieri's exclusive control. A copy of the January 2024 bank statement for Prime Commercial Lending, LLC is attached hereto and made a part hereof as Exhibit D.

On January 30, 2024, United States District Judge Hon. Mae A. D'Agostino issued a temporary restraining order against Kris D. Roglieri; Tina M. Roglieri; Kimberly A. Humphrey a/k/a Kimmy Humphrey; Prime Commercial Lending, LLC; Commercial Capital Training Group, LLC; The Finance Marketing Group; National Alliance of Commercial Loan Brokers; and FUPME, LLC. A copy of the January 30, 2024 order is attached hereto and made a part hereof as Exhibit E.

Notwithstanding the January 30, 2024 order, seven transfers were subsequently made from the Prime Commercial Lending, LLC, including \$100,000 on February 6, 2024 to Pashman Stein Walder Hayden, P.C. A copy of the February 2024 bank statement for Prime Commercial Lending, LLC is attached hereto and made a part hereof as Exhibit F. See Amended Rule 2016(b) statement filed March 18, 2024 (ECF 70).

Based on the above, the United States Trustee reserves all rights regarding the \$5 million transfer and the \$100,000 retainer received by Pashman Stein Walder Hayden, P.C., including but not limited to seeking future disgorgement.

Dated: Albany, New York
March 19, 2024

Respectfully submitted,

WILLIAM K. HARRINGTON
UNITED STATES TRUSTEE, REGION 2

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